

### **REMARKS**

Claim 1 was pending in this application. Claim 1 was rejected in the Office Action of October 31, 2007.

Claim 1 is hereby canceled without prejudice or disclaimer. Claims 2-21 are hereby added. No new matter is being added.

Reconsideration of this application as amended, and allowance of all pending claims 2-21 are hereby respectfully requested.

### **Rejection under 35 USC 103(a)**

On page 2 of the Office Action, claim 1 was rejected as being unpatentable over U.S. Patent Application Publication No. 2004/0024845 to Fishhaut et al. (“Fishhaut”) in view of U.S. Patent Application Publication No. 2004/0205564 to Brayton et al. (“Brayton”). Claim 1 is canceled herein; and thus, this rejection is now moot.

Independent claim 2 is added and recites:

“monitoring one or more data streams from one or more data sources;  
authorizing a first user to access the one or more data streams responsive to authenticating the first user;  
*building a first user queue for the first user* by selectively including data of the one or more data streams in the first user queue, *the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user*; and  
delivering data in the first user queue to the first user responsive to receiving a refresh request from the first user.” (emphasis added).

As recited in claim 2, the first user queue is built from the data in one or more data streams from one or more data sources. Specifically, the first user queue is built by selectively including data of the data streams that were not previously delivered to the first user. Building the queue is advantageous because the first user may receive updated data from data sources without missing any data even when the data of the one or more data streams change more often than the refresh speed at which the data are sent to the first user. See, for example, specification, paragraph [0010]. Furthermore, by delivering only the data that were not delivered to the first user, time and bandwidth need not be wasted on sending data that were previously delivered to the user. This saves the time and bandwidth needed for providing the data to the first user. See, for example, paragraph [0028].

Fishhaut fails to disclose the feature of “*building a first user queue for the first user*” as recited in claim 2. Fishhaut describes sending data from a variety of databases and servers to the user in a *non-buffered manner*. See Fishhaut, paragraphs [0002], [0003], [0007], [0013], [0015], [0018], and [0021]. Fishhaut describes sending only information that has changed as one way of more efficiently transmitting non-buffered data to the user. See Fishhaut, paragraph [0017]. Because Fishhaut eliminates the queue for data from multiple sources (i.e., non-buffered), Fishhaut does not disclose any queues for buffering data to be sent to the first user. Fishhaut also fails to disclose the feature of “*the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user*” as recited in claim 2. Because Fishhaut does not disclose building a queue (or buffer), Fishhaut also fails to disclose building the queue to exclude data previously delivered to the first user.

Nor does Brayton disclose such features. Brayton was cited in the Office Action merely for disclosing a refresh request from the user. Nowhere in Brayton does it disclose that any data is queued or buffered before transmittal to the user. Therefore, Brayton fails to disclose the feature of ***“building a first user queue for the first user”*** as recited in claim 2. Nor does Brayton disclose any technique for excluding data that was previously sent to the user. Accordingly, Brayton also fails to disclose the feature of ***“the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user”*** as recited in claim 2.

As set forth above, none of the cited references discloses (1) ***“building a first user queue for the first user”*** or (2) ***“the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user”*** as recited in claim 2. Therefore, the combination of Fishhaut and Brayton also fails to disclose these features as recited in claim 2.

Accordingly, claim 2 is patentably distinguishable from Fishhaut and Brayton. Claims 3-8 are dependent from claim 2; and thus, the same arguments set forth above with respect to claim 2 are equally applicable to claims 3-8, and in addition each claim recites patentable features. Accordingly, claims 3-8 are patentably distinguishable from Fishhaut and Brayton.

Independent claims 9 and 16 also recite ***“build the [or a] first user queue . . . the data selected for the first user queue including data of the one or more data streams previously undelivered to the first user but not including data of the one or more data streams previously delivered to the first user.”*** Therefore, essentially the same arguments set forth above for claim 2 are equally applicable to claims 9 and 16, and their dependent claims 10-15 and 17-21.

Based on the above Amendment and the Remarks, claims 2-21 are patentably distinguishable over the cited references, taken alone or in combination, and the Examiner is asked to issue a Notice of Allowance.

If further matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,  
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